

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PHILIP ROY GALANTI,

Plaintiff,

vs.

NEVADA DEP'T OF CORRECTIONS, *et al.*,

Defendants.

Case No.: 2:19-cv-01044-GMN-EJY

ORDER

Pending before the Court is the Motion for Order Confirming Dismissal of Clark County School District from this matter, filed by Defendant Clark County School District ("CCSD"), (ECF No. 64).¹ Plaintiff Philip Roy Galanti did not file a Response. For the reasons discussed below, the Court **GRANTS** CCSD's Motion.

Plaintiff brought this action on June 18, 2019, alleging that Nevada Department of Corrections ("NDOC"), certain NDOC administrators and/or employees (collectively "NDOC Defendants"), CCSD, and certain CCSD administrators and/or employees at the school operated by CCSD at High Desert State Prison, violated his constitutional rights by failing to give him sentence reduction credits for completing education classes. (*See generally* Compl., ECF No. 1). On December 19, 2019, Plaintiff filed his First Amended Complaint ("FAC"), asserting the same general claims against NDOC, NDOC administrators and/or employees, and CCSD, but not against CCSD administrators and/or employees. (*See generally* FAC, ECF No. 21). The NDOC Defendants filed a Motion to Dismiss the FAC. (*See generally* NDOC Mot. Dismiss, ECF No. 22). CCSD filed a separate Motion to Dismiss. (*See generally* CCSD Mot. Dismiss, ECF No. 24). Plaintiff filed two separate motions requesting an extension of time to

¹ The pending motion is ECF No. 64. However, CCSD filed a Notice of Corrected Image, (ECF No. 65), to replace the pending motion. Thus, the Court will refer to ECF No. 64 as the pending motion because it is "gaveled" on the court docket, but it will cite ECF No. 65 because it is the corrected version of the motion.

1 file a response to each Motion to Dismiss. (*See generally* Mots. Extend Time, ECF Nos. 26,
2 27). The Court granted Plaintiff's motions in a minute order, (ECF No. 29), and ordered
3 Plaintiff's Response to CCSD's Motion to Dismiss be due by March 1, 2020. Plaintiff failed to
4 file a Response to CCSD but did respond to the NDOC Defendant's Motion to Dismiss. (*See*
5 *generally* Resp., ECF No. 30). On October 27, 2020, the Court granted the NDOC Defendants'
6 and CCSD's Motions to Dismiss Plaintiff's FAC. (*See generally* Order, ECF No. 45).

7 Plaintiff then filed a Notice of Appeal of "the District Court's Granting of Defendants
8 (NDOC) Motion to Dismiss" (Not. of Appeal at 1, ECF No. 48). Plaintiff made no
9 mention of CCSD in its appeal. CCSD did not file an answering brief or participate in the
10 appeal in any way. The Ninth Circuit Court of Appeals affirmed this Court's decision with
11 respect to Plaintiff's equal protection claim, but reversed and remanded the Court's decision of
12 his due process claim.

13 CCSD now seeks an Order confirming the dismissal of it as a party to this lawsuit.
14 CCSD argues that such an Order is appropriate because (1) Plaintiff did not file a Response to
15 its Motion to Dismiss, (2) Plaintiff did not appeal the Order granting CCSD's Motion to
16 Dismiss, nor did he name CCSD as a party to his appeal, and (3) because Plaintiff's due process
17 claim is inapplicable to CCSD. (*See generally* Mot. for Order, ECF No. 65). The Court agrees
18 with CCSD that dismissal is appropriate under its first two arguments but makes no
19 determination as to its third. Moreover, "[o]n its own, Plaintiff's failure to file points and
20 authorities in opposition to a motion constitutes consent that the motion be granted." *Gonzalez*
21 *v. Bank of America, N.A.*, No. 2:13-cv-00460, 2013 WL 3877708, at *2 (D. Nev. July 24,
22 2013) (citing Local Rule 7-2(d)). Accordingly, the Court further finds dismissal of CCSD
23 appropriate because Plaintiff failed to respond to the pending motion. And lastly, the Court
24 finds dismissal appropriate because Plaintiff made it clear that he does not intend to litigate
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1 against CCSD because he only served NDOC's counsel when he filed his Motion for Partial
2 Summary Judgment. (*See* Mot. Partial Summ. J. at 6, ECF No. 69).

3 **CONCLUSION**

4 **IT IS HEREBY ORDERED** that Defendant CCSD's Motion for Order Confirming
5 Dismissal of Clark County School District from this matter, (ECF No. 64), is **GRANTED**.

6 **IT IS FURTHER ORDERED** that Defendant CCSD is hereby **DISMISSED** as a party
7 to this lawsuit.

8 **DATED** this 30 day of December, 2024.

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12 Gloria M. Navarro, District Judge
13 United States District Court
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